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7 Attorneys for Defendant  
8 VARIAN MEDICAL SYSTEMS, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNIVERSITY OF PITTSBURGH OF THE  
13 COMMONWEALTH SYSTEM OF HIGHER  
14 EDUCATION d/b/a UNIVERSITY OF  
15 PITTSBURGH, a Pennsylvania non-profit  
corporation (educational),

16 Plaintiff,

17 v.

18 VARIAN MEDICAL SYSTEMS, INC., a  
Delaware corporation,

19 Defendant.

Case No. CV 08-02973 MMC

**DECLARATION OF WILLIAM L.  
ANTHONY, JR. IN SUPPORT OF  
VARIAN'S MOTION TO TRANSFER  
ACTION TO U.S. DISTRICT COURT  
FOR WESTERN DISTRICT OF  
PENNSYLVANIA**

Date: August 1, 2008  
Time: 9:00 a.m.  
Courtroom: 7, 19th Floor

1 I, William L. Anthony, Jr., declare:

2 1. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),  
3 counsel of record for defendant Varian Medical Systems, Inc. (“Varian”) in this action and in  
4 *University of Pittsburgh v. Varian Medical Systems, Inc.*, Case No. 2:07-cv-00491-AJS, in the  
5 Western District of Pennsylvania (the “Penn. Case”). I am licensed to practice law in the State of  
6 California. I have personal knowledge of the facts stated herein, except where otherwise stated,  
7 and I could and would testify to those facts if called as a witness.

8 2. On May 16, 2007, I attended a Case Management Conference in Pittsburgh before  
9 the Honorable Arthur J. Schwab in the Penn. Case. I attended as lead counsel for Varian. I was  
10 accompanied by Varian’s local counsel, Henry Sneath, Esq. Lead counsel for the University of  
11 Pittsburgh (“UPitt”), Dan Johnson, Esq., was also present.

12 3. On March 28, 2008, I attended a settlement conference in Pittsburgh before Judge  
13 Schwab in the Penn. Case. I was accompanied by Keith Askoff, a Varian in-house lawyer and  
14 business representative, and Mr. Sneath. Present on behalf of UPitt were Mr. Johnson and Laura  
15 Hillock, Esq. During the conference, Judge Schwab held UPitt in contempt for failure to comply  
16 with the court’s orders related to the conference.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct. Executed in Menlo Park, California on June 27, 2008.

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21 /s/ William L. Anthony, Jr. /s/  
22 William L. Anthony, Jr.  
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